IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH
****

RSA No.445 of 2006
Date of decision: October 13, 2006.

Prem Pal Verma

...**Petitioner(s)**

v.

Guru Nanak Dev University & Ors.

...**Respondent(s)**

Present: Shri Raman Sharma, Advocate for the appellant.

Surya Kant, J. (Oral)

This regular second appeal is preferred by the plaintiff, whose suit for declaration challenging the order of his dismissal from service, has been dismissed by both the courts.

[2]. The appellant was working as an Assistant in the respondent-University. His son was a student of B.Arch. The competent authority served the appellant with three charge-sheets dated 25.8.1994, 18.10.1994 and 11.1.1995. The brief charges levelled against the appellant were as follows:-

1. That he was instrumental in increasing the marks of his son Suresh Kumar, Roll No.1062 in B.Arch - 7th Semester Examination Session February 1992 (4th year of 1st Semester) from 209 to 269.

2. That for this personal ends, the marks of Navtej Singh Roll No.1063 of B.Arch - 7th Semester were increased from 209 to 269.

3. That he was tampered with the University record for his personal ends and thereby acted in a manner unbecoming of a University employee.

[3]. The appellant replied to the charge sheets, however, the same having been found unsatisfactory, a regular inquiry was ordered. The Inquiry Officer gave full opportunity to lead evidence to both the parties and upon consideration thereof, submitted his reports dated 18.6.1995, copies of which have been placed on record as Annexures A1, A2 and A3, holding the appellant guilty of the charges. It was, thus, concluded that the appellant was instrumental in tampering with the University records thereby increasing the total marks of his son as well as some other candidates.

[4]. On the basis of above-stated findings, the competent authority dismissed the appellant from service after a proper show cause. He preferred a departmental appeal also, which, too, was turned down.

[5]. Aggrieved, the appellant filed the present civil suit which has been dismissed by both the courts thereby giving rise to this regular second appeal.

[6]. I have heard Learned Counsel for the appellant at length and have perused the impugned judgments.

[7]. It is well settled that in the matters like domestic inquiries, the civil court, while exercising of its power of judicial review, would not sit as an appellate tribunal. Normally, the scope of interference falls within the narrow compass to see that:- (i) the principles of natural justice have not

been violated; (ii) the action has been taken by the competent authority; and (iii) the punishment awarded is not disproportionate to the proved misconduct. In other words, re-appreciation or re-appraisal of the evidence led before the Inquiry Officer is beyond the scope of judicial review.

[8]. The impugned judgments reveal that both the courts, guided by the above noted principles, have concurrently held that sufficient opportunity of being heard was afforded to the appellant by the University authorities and, thus, principles of natural justice have been duly complied with. It is not the case of the appellant himself that the disciplinary action was taken against him by an incompetent authority. As may be noticed, the appellant wanted the courts below to return findings contrary to those of the inquiry officer and that too on re-appreciation of the material produced before the Inquiry Officer. The courts below have granted even that much indulgence, yet on appreciation thereof, the appellant has been found to manipulated enhancement of marks of his son in B.Arch.

[9]. Learned Counsel for the appellant submits that the punishment of dismissal is highly disproportionate to the gravity of charges. It is argued that the appellant had served more than 23 years in the respondent-University, in addition to 10 years service rendered by him in government employment prior to joining the University.

[10]. I, therefore, do not find merit in this contention. The purity in examinations is one of the sacred and onerous duty to be performed by a University. The appellant had successfully tampered with the same purely for extraneous considerations. The allegations, as proved against him, are of grave nature and in such circumstances, his dismissal from service cannot be termed such a harsh punishment that it would prick the conscience of the

court, more so, when such a deterrent action is highly desirable to flash message across in all quarters.

[11]. Consequently, this appeal fails and is, accordingly, dismissed.

October 13, 2006. [**Surya Kant**]
kadyan **Judge**